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JAIME RODRIGUEZ, and  
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re

THE ORIGINAL MOWBRAY'S TREE  
SERVICE, INC., a Delaware corporation

Debtor and  
Debtor-in-Possession,

BK Case No.: 8:24-bk-12674-TA

Chapter 11

**REQUEST FOR JUDICIAL NOTICE OF  
EXHIBITS 7-8, 11-15, & 18-21, IN  
SUPPORT OF MOTION TO APPOINT A  
CHAPTER 11 TRUSTEE PURSUANT TO  
11 U.S.C. 1104(a); AND MOTION TO  
SUBSTANTIVELY CONSOLIDATE  
PINO TREE SERVICES, INC.,  
MOWBRAY WATERMAN PROPERTY,  
LLC, AND PHOENIX TRAFFIC  
MANAGEMENT, INC. WITH THE  
DEBTOR'S BANKRUPTCY CASE**

Date: March 5, 2025

Time: 10:00am

Location: 411 West Fourth St. Ctrm 5B  
Santa Ana, CA 92701

Hon. Theodor C. Albert

**REQUEST FOR JUDICIAL NOTICE PURSUANT TO FRE 201**

Movants JAMIE RODRIGUEZ and ANA LIDIA GOMEZ (hereinafter referred to as  
"Movants") herein respectfully request the Court take Judicial Notice of Movant's Exhibits 7, 8, 9,  
11, 12, 13, 14, 15, 18, 19, 20, and 21 filed in support of Movants' Motion To Appoint a Chapter 11

1 Trustee Pursuant to 11 U.S.C. 1104(A); and Motion To Substantively Consolidate Pino Tree  
2 Services, Inc., Mowbray Waterman Property, LLC, and Phoenix Traffic Management, Inc., With  
3 The Debtor's Bankruptcy Case:

4 **A. THE COURT SHOULD TAKE JUDICIAL NOTICE OF PLAINTIFF'S**  
5 **EXHIBITS 7, 8, 9, 11, 12, 13, 14, 15, 18, 19, 20, and 21**

6 **1. LEGAL STANDARD FOR JUDICIAL NOTICE**

7 Federal Rule of Evidence 201 governs judicial notice of adjudicative facts. Fed. R. Evid.  
8 201(a). "A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1)  
9 generally known within the territorial jurisdiction of the trial court, or (2) capable of accurate and  
10 ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R.  
11 Evid. 201(b). If supplied with the necessary information and requested by a party, the Court must  
12 take judicial notice. Fed. R. Evid. 201(d).

13 Courts are finding more frequently that "[i]n this new technological age, official government  
14 or company documents may be judicially noticed insofar as they are available via the worldwide  
15 web." *In re Agribiotech Sec. Litig.*, 2000 U.S. Dist. LEXIS 5643, \*4-5 (D. Nev. Mar. 2, 2000).  
16 Thus, information on government agency websites has often been treated as properly subject to  
17 judicial notice. *Paralyzed Veterans of Am. v. McPherson*, 2008 U.S. Dist. LEXIS 69542, at \*5  
18 (N.D. Cal. Sept. 8, 2008); see also *United States ex rel. Dingle v. BioPort Corp.*, 270 F. Supp. 2d  
19 968, 972 (W.D. Mich. 2003) ("Public records and government documents are generally considered  
20 'not to be subject to reasonable dispute.' This includes public records and government documents  
21 available from reliable sources on the Internet.") (citing *Jackson v. City of Columbus*, 194 F.3d 737,  
22 745 (6th Cir. 1999)).

23 Courts may take judicial notice of official information posted on a governmental website if  
24 its accuracy is undisputed. See *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998-99 (9th Cir.  
25 2010) (taking judicial notice of lists of vendors publicly available on the websites of the school  
26 districts, which are government entities); *In re Amgen Inc.*, 544 F. Supp. 2d 1009, 1023-24 (C.D.  
27 Cal. 2008) (taking judicial notice of drug labels taken from the Food and Drug Administration's  
28 website); *GA Telesis, LLC v. GKN Aerospace, Chem-Tronics, Inc.*, 2012 U.S. Dist. LEXIS 157737,

\*5 (S.D. Cal. Nov. 2, 2012) (taking judicial notice of documents from the Federal Aviation Administration website where accuracy was not disputed). The Ninth Circuit has also taken judicial notice of a nongovernmental website when the fact was not subject to reasonable dispute because it could be accurately and readily determined from sources whose accuracy cannot be questioned. See *Matthews v. Nat'l Football League Mgmt. Council*, 688 F.3d 1107, 1113 (9th Cir. 2012) (taking judicial notice of the Tennessee Titan's schedule available on the team page of the National Football League's company website).

Documents that “are administered by, or publicly filed with, an administrative agency” are properly subject to judicial notice under Rule 201. *Story v. Mammoth Mt. Ski Area, LLC*, 2015 U.S. Dist. LEXIS 62936, \*3 (E.D. Cal. May 12, 2015) (taking judicial notice of FCC notices and reports). Likewise, “judicial notice may also be taken of official acts of the legislative, executive, or judicial branch of the United States government, including court records.” *Id.*

Moreover, under Federal Rule of Evidence 201(b), federal courts routinely take judicial notice of papers filed in other courts. See *Porter v. Ollison*, 620 F.3d 952, 955 n.1 (9th Cir. 2010); *Burbank–Glendale–Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998). “The Court takes judicial notice of the summons and complaint in the State Court Action entitled CACH, LLC v. Steve Odish, filed on March 29, 2012, Case No.: 37-2012-00066473-CL-CL-EC.” *Odish v. CACH, LLC*, 2012 U.S. Dist. LEXIS 157114, \*2 (S.D. Cal. Oct. 31, 2012). “Because the Court may judicially notice court documents, Fed. R. Evid. 201(b); *United States v. Bernal-Obeso*, 989 F.2d at 333, the request for judicial notice is GRANTED.” See also *Garcia v. Alpine Creekside, Inc.*, 2013 U.S. Dist. LEXIS 89227, \*9 (S.D. Cal. June 25, 2013) (taking judicial notice of publicly filed court documents).

2. EXHIBITS 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 18 ARE JUDICIALLY  
NOTICEABLE DOCUMENTS:

Here, Plaintiff requests judicial notice of documents that are public records, which are readily verifiable. Exhibits 7-17 are all either documents filed with the California Secretary of State and readily obtained from the California Secretary of State, or they are recorded real property records that are also readily obtained from the County of San Bernardino and County of Sacramento

1 County Recorder's Offices. As such, there is no material dispute as to the veracity of the  
2 documents.

3 The nature of each of these Exhibits is explained in detail below:

4 **Exhibit 7** – Articles of Organization and most recently filed Statement of Information for  
5 Mowbray Waterman Property, LLC, filed with the California Secretary of State.

6 **Exhibit 8** – Transactions Reports, summarizing Deeds of Trust and Recorded Title  
7 documents for real estate owned by Mowbray Waterman Property, LLC. These documents are  
8 recorded with the San Bernardino and Sacramento County Recorder's Offices.

9 **Exhibit 9** – Parcel Maps and records of real estate tracts and parcels owned by Mowbray  
10 Waterman Property, LLC, Original Mowbray's Tree Service, Inc., and the John W. Mowbray and  
11 Gloria D. Mowbray Revocable Truste, along with the accompanying Grant Deeds. These  
12 documents are recorded with the San Bernardino County Recorder and Assessor.

13 **Exhibit 11** – PNC Bank \$20,000,000 Deeds of Trust Recorded on 7/18/2024 against  
14 Mowbray Waterman Property, LLC ("MWP")'s real property located at: Allen St, San Bernardino,  
15 CA 92408 (APN: 0136-251-29-0000); 9546 Elder Creek Rd, Sacramento, CA 95829-9306 (APN:  
16 066-0010-032-0000);

17 **Exhibit 12** – Quit Claim Deeds and Deeds of Trust for Parcel with APN 0168-071-062-  
18 0000. These documents were recorded and may be ascertained at the San Bernardino County  
19 Recorder.

20 **Exhibit 13** – Search results for Phoenix Traffic Management, Mowbray Waterman  
21 Properties, and Pino Tree Services from the California Secretary of State's Uniform Commercial  
22 Code Database.

23 **Exhibit 14** – the California Secretary of State's records for Phoenix Traffic Management,  
24 baring entity No. C4717822. These documents are on file with the California Secretary of State and  
25 publicly available.

26 **Exhibit 15** - Articles of Organization and most recently filed Statement of Information for  
27 Phoenix Traffic Management, Inc., filed with the California Secretary of State.  
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